

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

ALAN GOLDMAN,

Plaintiff

v.

MCCONNELL VALDES, LLC;
ANTONIO A. ARIAS-LARCADA, his wife
MRS. ARIAS, and the Conjugal Partnership
composed by them;
JOSE IRIZARRY-CASTRO;
JOHN DOE; MARY DOE
UNKNOWN INSURANCE COMPANY;

Defendants

CIVIL NO.: 24cv01136(SCC)

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION REQUESTING AN
ORDER TO MODIFY PREVIOUS COURT ORDER**

TO THE HONORABLE COURT:

NOW APPEAR co-defendants Antonio Arias Larcada, his wife Maria Beale, and the Conjugal Partnership constituted between them, and McConnell Valdés, LLC., through their undersigned counsel, and very respectfully state and pray as follows:

1. Yesterday, the plaintiff filed a Motion (Dkt. No. 86) requesting that the Court “adjourn and/or reset the Initial Scheduling and Settlement Conference from February 27, 2025, to March 27, 2025, or to such later date as the Court may deem just and proper, in the interest of judicial efficiency and fairness, and to grant any other remedy that the Court deems just and proper.” The appearing defendants are compelled to respond to certain false and misleading statements

contained in such Motion, as well as to oppose any delay of the Initial Scheduling Conference.

2. The plaintiff's Motion makes some brazenly false and misleading statements which require a response. First, the plaintiff claims that the defendants have "failed to execute" a Non-Disclosure Agreement ("NDA") required by the current owner of the property subject of this lawsuit in order to allow the parties to inspect the same. **This is false and the plaintiff's counsel knows it.** In fact, at the request of the property owner's counsel, Adrián Sánchez, the undersigned sent the NDA to the plaintiff's counsel on September 17, 2024. See, Exhibit 1. It was not returned signed by plaintiff's counsel until **nearly three months later**, on December 11, 2024. See, Exhibit 1 to Plaintiff's Motion at Dkt. No. 86-1. The undersigned immediately signed it and sent it to counsel Adrián Sánchez, who acknowledge receipt and promised to get back to us. See, Exhibit 2. As of today, his client has not signed it, however. Plaintiff's counsel is well aware of this and **deliberately tries to mislead the Court** by suggesting in his Motion that the delay in inspecting the property is attributable to the undersigned and/or the appearing defendants.
3. Plaintiff's counsel's claim at paragraph 6 of the Motion that defendants have "failed to respond to plaintiff's initial discovery requests which were duly served on October 2, 2024" **is also grossly misleading.** In fact, as plaintiff's counsel well knows, these discovery requests were a nonsensical and meaningless "cut and paste" copy of the interrogatories and requests for production previously sent to the plaintiffs by the appearing defendants. The

undersigned explained this to Plaintiff's counsel in a telephone conversation, who admitted that he sometimes instructs his associates to "cut and paste" the opposing party's interrogatories to create his own. As a result of this conversation, on January 25, 2025, plaintiff's counsel sent us another set of interrogatories and requests for production, which are in the process of being answered.

4. Putting aside these egregious falsities, the appearing defendants have no problem with delaying any settlement conference, as they feel that it would be woefully unproductive. Nevertheless, the appearing defendants vehemently oppose delaying the Initial Scheduling Conference. The docket will reflect that an Initial Scheduling Conference was held last year before Hon. Marcos López, but the discovery schedule was derailed due to plaintiff's non-compliance with the Court's order requiring him to come to Puerto Rico for a physical and mental examination. The Court ultimately **held a hearing** and after considering argument by the parties made clear that the plaintiff would have to come to Puerto Rico to be evaluated and examined. See, Dkts. No. 69 and 81. It would not be surprising that plaintiff's request to delay the I.S.C. is aimed at once again trying to avoid or delay his Court-ordered examination and deposition in Puerto Rico. The appearing defendants respectfully oppose it.

WHEREFORE, it is respectfully requested that the Court take note of the above and consequently deny the plaintiff's Motion seeking to adjourn the Initial Scheduling Conference set for January 27, 2025.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 4th day of February, 2025.

I HEREBY CERTIFY that on this 4th day of February, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the counsel of record.

S/MANUEL SAN JUAN
MANUEL SAN JUAN
USDC-PR No.: 204706
P.O. Box 9023587
San Juan, Puerto Rico 00902-3587
Tel.:(787)723-6637 / (787) 723-6669
E-mail: sanjuanm@microjuris.com